



**PLANNING, BUILDING AND ZONING COMMISSION MEETING
THE VILLAGE OF HAWTHORN WOODS
2 LAGOON DRIVE, HAWTHORN WOODS, ILLINOIS
TUESDAY, MARCH 12, 2013
6:00PM**

MINUTES

I. Call to Order and Roll Call

Present: Chair Susy Rein called the meeting to order at 6:00PM. Roll call indicated the following members were present: Kaiser, LaGro, Merkel and Rein
Absent: Salvi and Lindquist
Staff: Donna Lobaito, Chief Administrative Officer
Trustee: None
Attorney: Patrick Brankin

A quorum was established.

II. Opportunity for the Public to Address the Commission

None this month.

III. Public Hearing

A. A Public Hearing for the Consideration and Recommendation of a Text Amendment—Elimination of Title 9, Chapter 8—Village of Hawthorn Woods, Applicant

Motion by Merkel, second by LaGro to open the public hearing. Upon a voice vote, all voted aye and the public hearing was opened.

Ms. Lobaito reported that Sections 9-8-1 through 9-8-9 of the zoning code were a duplication of Sections 9-8A-1 through 9-8A-9. Staff recommends the deletion of Sections 9-8-1 through 9-8-9 of the zoning code.

Commissioner Salvi arrived at 6:02PM.

Motion by LaGro, second by Kaiser to close the public hearing. Upon a voice vote, all voted aye and the public hearing was closed.

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Motion by LaGro, second by Merkel to delete Sections 9-8-1 through 9-8-9 of the zoning code. Upon a voice vote, all voted aye and the motion carried.

B. A Public Hearing for the Consideration and Recommendation of a Text Amendment – Title 9, Section 9-17-7E—Maintenance Responsibility for Trees in the Village Right-of-Way—Village of Hawthorn Woods, Applicant

Motion by Kaiser, second by LaGro to open the public hearing. Upon a voice vote, all voted aye and the public hearing was opened.

Ms. Lobaito reported that staff seeks a text amendment to the zoning code to better clarify the responsibility of property owners who plant trees in the Village's right-of-way without authorization from the Village. She highlighted a recent situation whereby Public Works removed a fallen tree in the Village's right-of-way, however, the tree was planted in that location without authorization from the Village.

Commissioner LaGro inquired as to how these unauthorized trees are determined. Ms. Lobaito responded that many times due to the location or symmetry of the trees in relation to other landscaping, it is apparent which ones were planted and which ones grew naturally.

Ms. Lobaito explained that the Village requires developers to depict parkway trees on private property in their subdivision landscape plans and not in the Village right-of-way.

The Commissioners discussed the meaning of the words, "under his control" in the existing language. Village Attorney Brankin explained this meant property contiguous to one's lot, meaning the right-of-way.

Commissioner Salvi noted that if a homeowner plants a tree in the Village right-of-way, they assume some liability for that tree. It was noted that there is further language in the Tree Ordinance about the removal and maintenance of trees.

Motion by Merkel, second by LaGro to close the public hearing. Upon a voice vote, all voted aye and the public hearing was closed.

Motion by Merkel, second by LaGro to amend Title 9, Section 9-17-7 E to read:

9-17-7 E. Non-Liability Of Village: Nothing contained in this chapter shall be deemed to impose any liability upon the village or upon any of its officers or employees nor to relieve the owner of any private property from the duty to keep any trees and shrubs upon private property or under his/her control, including

unauthorized planting of trees and shrubs in the Village right-of-way, in a safe and healthy condition.

Upon a voice vote, all voted aye and the motion carried.

IV. New Business

- A. None this month.

V. Approval of Minutes

- A. Approval of the Minutes of the February 12, 2013 Planning, Building and Zoning Commission Meeting

Motion by LaGro, second by Kaiser to approve the minutes of the February 12, 2013 Planning, Building and Zoning Commission.

The following corrections to the minutes were noted:

Under New Business, letter A, the address of Dr. Hugi's property should be corrected from 25243 N. Gilmer Road to 25143 N. Gilmer Road.

The third sentence in the second paragraph under New Business, letter B. should read, "Chair Rein asked Attorney Brankin if the ordinance change in Section G was in line with State laws regarding home rule."

The first sentence in the second paragraph under Approval of Minutes should read, "Commissioner LaGro asked that the minutes be amended in Section VI, Department Head Report, to reflect a question he asked at the previous meeting."

Motion by LaGro, second by Merkel to substitute the motion to approve the minutes with the noted changes. Upon a voice vote, all voted aye and the motion carried.

VI. Department Head Report

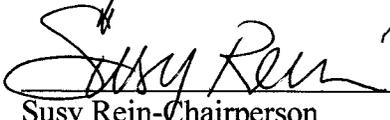
Ms. Lobaito reported that the Village Board approved the ordinance granting Dr. Hugi's rezoning request from R-1 Single Family Residential to AG – Agriculture. She noted the Village Board will vote upon Dr. Hugi's special use permit request at the March Village Board meeting. Ms. Lobaito also reported that the Findings of Fact for both public hearings from tonight's meeting will be on the Planning, Building and Zoning Commission agenda in April.

Commissioner LaGro mentioned Lake County will be hosting an open house tomorrow evening at Lakewood Forest Preserve. He also inquired as to the status of the Comprehensive Plan update and what steps if any should the Planning, Building and Zoning Commission be taking now. Ms. Lobaito responded the contract with Houseal Lavigne will be up for consideration by the Village Board in March.

VII. Adjournment

Motion to adjourn by Commissioner LaGro, second by Commissioner Merkel.
Upon a voice vote, all voted aye and the motion carried.

The meeting was adjourned at 6:21 P.M.



Susy Rein-Chairperson

Next Scheduled Meeting is April 9, 2013